

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PETER MAYSLAK,

Plaintiff,

Case No. 14-11882

v.

MARY ALEXIS JENSEN, et al.,

Hon. Marianne O. Battani

Magistrate Judge Mona K. Majzoub

Defendants.

OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION AND GRANTING DEFENDANTS' MOTIONS TO DISMISS

Plaintiff Peter Mayslak filed this action while incarcerated at Milan Federal Correctional Institution, advancing state law claims of fraud, unjust enrichment, and intentional interference with contractual relations arising out of the sale of his deceased mother's home. On January 9, 2015, the Court referred this matter to Magistrate Judge Mona K. Majzoub for all pretrial matters (Doc. No. 17).

At the time of the referral, Plaintiff's Motion for Leave to Amend Complaint was pending. (See Doc. No. 13). After the referral, Defendant Richard Magnone filed a Motion to Dismiss as did Defendants Mary Alexis Jensen and Michael Jensen. (See Doc. Nos. 23, 24). Thereafter, Plaintiff filed a request for appointment of counsel. (See Doc. No. 28).

In her Report and Recommendation, dated August 12, 2015, Magistrate Judge Majzoub recommended, among other things, that Defendants' motions be granted as the Court lacked subject matter jurisdiction because Plaintiff shared domicile with one of the Defendants. The Magistrate Judge informed the parties that objections to the Report and

Recommendation must be filed within fourteen days of service and that a party's failure to file objections would waive any further right of appeal. (Doc. No. 32 at 10). No objection has been filed. Moreover, the Court finds that the Magistrate Judge's analysis thoroughly recounted the allegations and properly applied the governing law in reaching the recommendation to dismiss the complaint. Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendations and **GRANTS** Defendants' Motion to Dismiss. This matter is hereby **DISMISSED** in its entirety.

IT IS SO ORDERED.

Date: September 17, 2015

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on September 17, 2015.

s/ Kay Doaks
Case Manager